

09-07-06

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Clevenger et al.
Serial No.: 10/817,179
For: LOW DIELECTIC SEMICONDUCTOR DEVICE AND
PROCESS FOR FABRICATING THE SAME
Filed: April 2, 2004
Examiner: Thao P. Le
Art Unit: 2818
Confirmation No.: 2397
Customer No.: 27,623 Attorney Docket No.: YOR920010518US1

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Office of Petitions

**PETITION FOR REVIVAL OF PATENT APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Dear Sir:

The above-identified application became abandoned for failure to timely file a **Request for Continued Examination** in reply to the **Notice of Allowance and Issue Fee Due** mailed on **May 4, 2006** which sets a **three (3)** month period for reply. The abandonment date of this application is **August 4, 2006**.

09/08/2006 TBESHAH1 00000011 500510 10817179

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1500.00 DA

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) RCE with IDS;

- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$0.00 (37 CFR §1.17(m))
 ☐ Small entity statement enclosed herewith.
 ☐ Small entity statement previously filed.

☒ Other than small entity - fee \$1,500.00 (37 C.F.R. §1.17(m))

2. Reply and/or Fee

A. The reply to the above-noted Office Action in the form of Request for Continued Examination (identify type of reply):
 ☐ has been filed previously on _____ .
 ☒ are enclosed herewith.

B. A firm's check for \$0.00 covering the following fees:

- (1) \$ 790.00 Request for Continued Examination fee;
- (2) \$ 1,500.00 petition fee.

☐ has been paid previously on _____
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d) of \$ _____ for a small entity or \$ _____ for other than a small entity) equivalent to the number of months from abandonment to the filing of this petition is enclosed herewith.

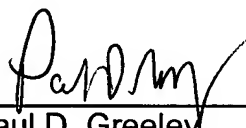
4. Verified Statement

Applicant hereby states that the entire delay in payment of the seven hundred ninety dollar (\$790) required RCE until the filing of this petition under 37 CFR 1.137(b) was unintentional.

Applicant hereby declares that all statements made herewith of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

XXX The Commissioner is hereby authorized to charge the fee of **\$2,290.00** and any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or credit any overpayment, to **Deposit Account No. 50-0150** in the name of International Business Corporation. A duplicate copy of this Form is enclosed.

September 6, 2006
Date

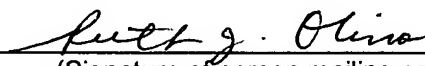


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CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Certificate No. **EV803119213US**, service under 37 CFR §1.10 and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attention: Office of Petitions on September 6, 2006.

Ruth J. Olivo
(Typed name of person mailing paper)



(Signature of person mailing paper)